

**Remarks**

Claims 2-6 and 9-17 are pending.

Claim 16 has been withdrawn from consideration by the Examiner.

Claim 8 has been canceled.

Claim 17 has been amended to clarify that the upper guide rollers in Applicant's device are arranged to form a filling gap therebetween for receiving and shaping a flowable melted food material therein *in the manner of a calibrating device* into the strip of flowable melted food material having a thickness for passage between the cooling belts – and to incorporate the limitations of Claim 8 (now canceled) to clarify that *the distance between the guide rollers is adjustable to vary the width of the filling gap to adjust the thickness of the strip of flowable melted food material*.

Support for the amendments is in Claim 8 (now canceled), and the published application US2007/0098861 at [0011] [0025] [0026] (the upper guide rollers function as a calibration device through adjusting the distance between the guide rollers and thus the width of the filling gap to adjust/calibrate the thickness of the strip of material to be cooled).

No new matter has been added by the amendments, which are intended merely to clarify language used in the claims and/or the subject matter claimed. The scope of the claims is intended to be the same after the amendment as it was before the amendment.

**Rejection of Claims under 35 U.S.C. §102(b)**

The Examiner rejected Claims 2-6, 8-15 and 17 under Section 102(b) as anticipated by Fujii (US 2002/0027309). This rejection is respectfully traversed.

Fujii discloses a machine constructed for cooling a finished thermoplastic resin sheet – in order to increase transparency of the resin sheet. The resin sheet is extruded from the T-die of an extruder – and the finished sheet is then guided between the belts and the cooling rollers to be cooled. Consequently, the belts receive a finished sheet and effect no shaping on the resin sheet material as required by the claims.

See, for example, the following sections (with [0085] referring to Fig.2) (emphasis added):

[0015] The aforementioned molten thermoplastic resin sheet is a thermoplastic resin sheet just after being formed by being extruded from an extruder.

[0085] *The polypropylene resin sheet 11 extruded from the T-die 12 of the extruder is guided into the area between the first and second metallic endless belts 23 and 26 to touch the first endless belt 23 touching the first cooling roller 21 and the second metallic endless belt 26 touching the third cooling roller 24 at approximately the same time, so that the polypropylene resin sheet 11 is cooled to be less than 50°C. by being touch-rolled with the first and third cooling rollers 21 and 24. ...*

By comparison, Applicant's device is constructed such that the upper rollers function in the manner of a calibrating device so as to alter the width of the filling gap and thus, adjust the thickness of a food material as it passes through the filling gap.

Applicant's device as defined in Claim 17 requires:

- a) upper guide rollers arranged to form a filling gap therebetween for receiving *and shaping* a flowable melted food material therein *in the manner of a calibrating device* into said strip of flowable melted food material having a thickness for passage between the cooling belts;
- b) *with the distance between the guide rollers being adjustable to vary the width of the filling gap to adjust the thickness of the strip of flowable melted food material.*

Fujii fails to disclose upper guide rollers so arranged with the distance between the upper guide rollers being adjustable as required by the claims. Consequently, Fujii does not anticipate the claims.

Fujii does not teach or suggest Applicant's device as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Extension of Term.**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension and/or fee are required, please charge Account No. 23-2053.

It is submitted that the present claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,



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